

Dated: September 29, 2010.

Susan H. Kuhbach,

*Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.*

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms From the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Reviews

AGENCY: Import Administration,
International Trade Administration,
Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received requests for new shipper reviews (NSRs) of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC). *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d), we are initiating antidumping duty NSRs of Guangxi Hengyong Industrial & Commercial Dev. Ltd., (Hengyong) and Zhangzhou Hongda Import & Export Trading Co., Ltd. (Hongda). The period of review (POR) of these NSRs is February 1, 2010 through July 31, 2010.

DATES: *Effective Date:* October 7, 2010.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Scott Hoefke, or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-2924, (202) 482-4947, or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1999, the Department published the antidumping duty order on certain preserved mushrooms from the PRC. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999). Thus, the antidumping duty order on certain preserved mushrooms from the PRC has

a February anniversary month. On August 31, 2010, the Department received requests for NSRs from Hengyong and Hongda.

In its request for review Hongda identified itself as the exporter of the subject merchandise, and Fujian Haishan Foods Co., Ltd. (Haishan) as the producer. In contrast, Hengyong identified itself as the exporter of the subject merchandise, and its affiliated branch supplier Hengyong Industrial and Commercial Dev. Ltd. Hengxian Food Division (collectively, "Hengyong") as the producer. The Department determined that both requests contained certain deficiencies and requested that both respondents correct their submissions. *See* September 23, 2010 letters from Robert James, Program Manager, to Hengyong and Hongda, respectively. In accordance with the Department's requests, Hengyong and Hongda corrected the deficiencies in their initial submissions in revised submissions dated September 24, 2010. For the purpose of initiating these NSRs, the Department determines that Hengyong's and Hongda's original submissions were timely filed.

Pursuant to the requirements set forth in section 751(a)(2)(B)(i) of the Act and 19 CFR 351.214(b)(2), Hengyong, Hongda, and Haishan certified that (1) they did not export subject merchandise to the United States during the original period of investigation (POI) (*see* section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i) & (ii)); (2) since the initiation of the investigation they have never been affiliated with any company that exported subject merchandise to the United States during the POI, including those companies not individually examined during the investigation (*see* section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A)); and (3) their export activities were not controlled by the central government of the PRC (*see* 19 CFR 351.214(b)(2)(iii)(B)). Additionally, in accordance with 19 CFR 351.214(b)(2)(iv), Hengyong and Hongda submitted documentation establishing the following: (1) The date on which they first shipped subject merchandise to the United States; (2) the volume of their first shipments; and (3) the date of their first sales to unaffiliated customers in the United States. They also certified they had no shipments to the United States during the period subsequent to their first shipments.

Initiation of Reviews

Based on information on the record and in accordance with section 751(a)(2)(B) of the Act and section 351.214(d) of the Department's

regulations, we find the requests Hengyong and Hongda submitted meet the statutory and regulatory requirements for initiation of NSRs. *See* Memoranda to the File through Richard Weible, "Request for AD New Shipper Review: Certain Preserved Mushrooms from the People's Republic of China (A-570-851)," dated September 29, 2010. Accordingly, we are initiating a NSR of the antidumping duty order on certain preserved mushrooms from the PRC manufactured and exported by Hengyong, and a NSR on certain preserved mushrooms from the PRC manufactured by Haishan and exported by Hongda. These reviews cover the period February 1, 2010 through July 31, 2010. We intend to issue the preliminary results of these reviews no later than 180 days after the date on which these reviews are initiated, and the final results within 90 days after the date on which we issue the preliminary results. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(h)(i).

In cases involving non-market economies, the Department requires that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. *See, e.g., Wooden Bedroom Furniture from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews*, 75 FR 10214, 10215 (March 5, 2010). Accordingly, we will issue questionnaires to Hengyong and Hongda that will include a separate rates section.¹ These reviews will proceed if these responses provide sufficient indication that Hengyong and Hongda are not subject to either *de jure* or *de facto* government control with respect to their exports of preserved mushrooms. However, if Hengyong and Hongda do not demonstrate eligibility for separate rates, they will be deemed not to have met the requirements of section 751(2)(B)(i) of the Act and 19 CFR 351.214(b)(2)(i), and therefore not separate from the PRC-wide entity. We will therefore rescind the NSRs. *See, e.g., Certain Preserved Mushrooms from the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Review*, 74 FR 15698 (April 7, 2009).

We will instruct the CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject

¹ Both companies did provide information regarding their eligibility for separate rates in their requests for review.

merchandise produced and exported by Hengyong and for certain entries produced by Haishan and exported by Hongda in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e).

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

These initiations and this notice are issued and published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 29, 2010.

Susan H. Kuhbach,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XZ49

Gulf of Mexico Fishery Management Council (Council); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (GMFMC) will convene public meetings.

DATES: The meetings will be held October 25–29, 2010.

ADDRESSES: The meetings will be held at the Embassy Suites Hotel, 4914 Constitution Ave., Baton Rouge, LA 70808.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen Bortone, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Council

Thursday, October 28, 2010

The Council meeting will begin at 1:30 p.m.

1:30–1:45 p.m.—The council will review the agenda and approve of the minutes.

1:45 p.m.–2 p.m.—The Council will receive a presentation titled “Fisheries 101”.

2 p.m.–2:30 p.m.—The Council will receive a U.S. Navy Environmental Impact Statement Presentation.

2:30 p.m.–5:30 p.m.—The Council will receive public testimony on exempted fishing permits (EFPs), if any; a Final Regulatory Amendment for Red Snapper TAC in 2011 and 2012; a Final Framework Action for Greater Amberjack; and hold an open public comment period. People wishing to speak before the Council should complete a public comment card prior to the comment period.

Friday, October 29, 2010

8:30 a.m.–4:45 p.m.—The Council will review and discuss reports from the committee meetings as follows: Reef Fish; Administrative Policy; Shrimp Management; Data Collection; SEDAR Selection; Sustainable Fisheries/Ecosystem; Habitat; Budget/Personnel; Spiny Lobster/Stone Crab; Mackerel Management and Law Enforcement.

4:45 p.m.–5 p.m.—Other Business items will follow.

The Council will conclude its meeting at approximately 5 p.m.

Committees

Monday, October 25, 2010

1 p.m.–2 p.m.—Closed Session—Full Council—The Budget/Personnel Committee and full Council will discuss personnel issues.

2 p.m.–2:15 p.m.—Closed Session—Full Council—The SEDAR Selection Committee and full Council will appoint participants to the SEDAR 22 Yellowedge/Tilefish Review workshop and receive a report of the Steering Committee meeting.

2:15 p.m.–2:30 p.m.—The SEDAR Selection Committee and full Council will receive a report of the Steering Committee meeting.

2:30 p.m.–5:30 p.m.—The Sustainable Fisheries/Ecosystem Committee will discuss the options paper for the Generic Annual Catch Limit/Accountability Measures Amendment; crew size limit on For-Hire Vessels when fishing commercially; discuss Reef Fish Permit Earned Income Requirement, and receive a report on Deepwater Horizon Input on Subsea Sampling Plan.

-Recess-

Tuesday, October 26, 2010

8:30 a.m.–10 a.m.—The Administrative Policy Committee will discuss revisions to the Administrative Handbook.

10 a.m.–11 a.m.—The Shrimp Management Committee review the “Status and Health of the Shrimp Stocks for 2009”; review the “Stock Assessment Report for 2009—Gulf of Mexico Shrimp Fishery”; review “A Biological Review of the Tortugas Pink Shrimp Fishery through December 2009”; receive a final report of shrimp effort in 2009 and a preliminary report on shrimp effort in 2010; and discuss Latent Permits.

11 a.m.–12:30 p.m.—The Data Collection Committee will discuss a fish tag system for recreational grouper and receive a report on Summary of SEAMAP/Deepwater Horizon Fishery Independent Data Collection Workshop; receive a summary of the National SSC Workshop.

2 p.m.–5 p.m.—The Reef Fish Management Committee will discuss Final Framework Action for Greater Amberjack; discuss Final Regulatory Amendment for Red Snapper TAC in 2011 and 2012; discuss IFQ share transfers between sectors; discuss the pros and cons of regionalized management; discuss the Pros and Cons of Management Based on Numbers vs. Pounds of Fish; and discuss the IFQ Finance Program.

-Recess-

Wednesday, October 27, 2010

8:30 a.m.–11:30 a.m.—The Reef Fish Management Committee will continue to meet.

1 p.m.–2 p.m.—The Budget/Personnel Committee will receive a year-to-date 2010 budget review.

2 p.m.–3 p.m.—The Spiny Lobster Management Committee will review draft Amendment 10 to the Spiny Lobster FMP and an analysis to repeal the Stone Crab FMP.

3 p.m.–3:30 p.m.—The Habitat Protection Committee will receive a final report on Essential Fish Habitat update.

3:30 p.m.–4 p.m.—The Mackerel Management Committee will discuss the scoping document for King Mackerel Latent Permits; receive a report on Amendment 18, and potentially select public hearing locations.

-Recess-

Immediately Following Committee

Recess—There will be an informal open public question and answer session on Gulf of Mexico Fishery Management issues.